

34398  
DO

SERVICE DATE - FEBRUARY 4, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-859X

PENNSYLVANIA LINES LLC—ABANDONMENT EXEMPTION—IN CHESTER  
COUNTY, PA

Decided: February 3, 2004

Pennsylvania Lines LLC (PRR) filed a notice of exemption under 49 CFR 1152 Subpart F—Exempt Abandonments to abandon a .34-mile line of railroad, extending from milepost 34.51 to milepost 34.85 at Coatesville, in Chester County, PA. Notice of the exemption was served and published in the Federal Register on January 9, 2004 (69 FR 1615-16). The exemption is scheduled to become effective on February 8, 2004.

The Board's Section of Environmental Analysis (SEA) issued an environmental assessment (EA) in this proceeding that was served on January 16, 2004. In the EA, SEA recommends that the following conditions be imposed on any decision granting abandonment authority. First, SEA notes that the U.S. Army Corps of Engineers-Philadelphia District (Corps-Philadelphia District ) stated that the information in PRR's environmental report was not sufficient for the Corps-Philadelphia District to make a determination on potential impacts to waters of the United States, including wetlands. Therefore, SEA recommends that PRR shall, prior to conducting abandonment or salvage activities, consult with the Corps-Philadelphia District to assess potential impacts to waters of the United States, including wetlands, and to determine any potential permit requirements. Second, SEA states that, based on an undocumented response from the U.S. Fish and Wildlife Service (FWS), PRR reported that the line is located within the range of the bog turtle (*Clemmys muhlenbergii*), a Federally listed threatened species. SEA indicates that, at the time the EA was prepared, FWS had not commented on the proposed abandonment's potential impacts to the bog turtle. Therefore, SEA recommends that PRR shall, prior to conducting any abandonment or salvage activities, consult with FWS's Pennsylvania Field Office at State College, PA, to assess potential impacts to the bog turtle or other Federally listed threatened or endangered species, identify any appropriate mitigation measures that may be warranted, and report the results of the FWS consultations to SEA. Finally, SEA states that the U.S. Department of Commerce, National Geodetic Survey (NGS), has identified two geodetic station markers that may be affected by the proposed abandonment. Therefore, SEA recommends that PRR be required to notify NGS 90 days prior to salvage activities in order to plan for their potential removal.

No comments to the EA were filed by the January 30, 2004 due date. Accordingly, the environmental conditions recommended by SEA in the EA will be imposed.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the line described above is subject to the conditions that PRR shall: (1) prior to conducting abandonment or salvage activities, consult with the Corps-Philadelphia District to assess potential impacts to waters of the United States, including wetlands, and to determine any potential permit requirements; (2) prior to conducting any abandonment or salvage activities, consult with FWS's Pennsylvania Field Office at State College to assess potential impacts to the bog turtle or other Federally listed threatened or endangered species, identify any appropriate mitigation measures that may be warranted, and report the results of the FWS consultations to SEA; and (3) notify NGS 90 days prior to salvage activities in order to plan for the potential removal of two identified geodetic station markers.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary